



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/839,000

04/21/2001

Masahiro Nakano

50P4426

2737

7590

08/25/2005

John L. Rogitz
Rogitz & Associates
750 B Street, Suite 3120
San Diego, CA 92101

EXAMINER

FISH, JAMIESON W

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,000

Applicant(s)

NAKANO ET AL.

Examiner

Jamieson W. Fish

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07-01-2005 has been entered.

The declaration filed on 07-01-2005 under 37 CFR 1.131 is sufficient to overcome the Taguchi reference.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 07-11-2005 and 08-02-2005 were filed after the mailing date of the Final Rejection on 05-26-2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

Applicant's arguments with respect to claim 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2617

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the Web page" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 2 would have antecedent basis if it were dependent on claim 3. To expedite the prosecution of the case the claim 2 has been evaluated as though it were dependent on claim 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-4, 6-12, 15-20, 22 are rejected under 35 U.S.C. 102(e) as being anticipate by Nobakht et al (US 6,745,223).
2. Regarding claim 1, Nobakht teaches an interactive television (ITV), comprising: a housing (See Fig. 1 Solid lines around Television 132 and Col. 4 lines 23-47); a television tuner in the housing (Televisions inherently have tuners in the housing); a microprocessor associated with the tuner (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62); a user input device communicating with the microprocessor (See Fig. 2 Remote Control 202 and Col. 4 lines 48-67, Col. 5 lines 5-62); a memory system

Art Unit: 2617

communicating with the microprocessor (See Fig. 2, Flash 219 and Col. 4 lines 48-67, Col. 5 lines 5-62), the memory system storing user data and virtual channels, the user data being at least partially based on signals received from the user input device (See Col. 5 lines 63-67, Col. 6 lines 1-28); and a computer communication device connected to the microprocessor and to a computer network (See Fig. 2 Communications Port 217 Col. 4 lines 48-67, Col. 5 lines 5-62), the virtual channels in the memory system being updated in accordance with data received from the communication device, the virtual channels being established at least partially based on the user data (See Fig. 8 and Col. 14 lines 11-67, Col. 15 lines 1-67, Col. 16 lines 1-6).

3. Regarding claim 3, Nobakht teaches wherein the virtual channels are Web pages (See Col. 5 lines 63-67, Col. 6 lines 1-28).

4. Regarding claim 4, Nobakht teaches wherein the microprocessor is in the housing or in a set-top box separate from the housing (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62 Microprocessor 210 is in a set-top box). The USPTO considers the applicants "or" language to be anticipated by any reference containing any of the subsequent corresponding elements.

5. Regarding claim 6, Nobakht teaches the ITV further comprising an electronic channel guide displayed on the ITV, the virtual channels being listed by channel number and by name on the electronic channel guide (See Col. 16 lines 7-26).

6. Regarding claim 7, Nobakht teaches an interactive television (ITV), comprising: a housing (See Fig. 1 Solid lines around Television 132 and Col. 4 lines 23-47); a television tuner in the housing (Televisions inherently have tuners in the housing); a

Art Unit: 2617

microprocessor (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62); a user input device communicating with the microprocessor (See Fig. 2 Remote Control 202 and Col. 4 lines 48-67, Col. 5 lines 5-62); and a memory system communicating with the microprocessor, the memory system storing user data, the user data being at least partially based on signals received from the user input device, wherein the memory system further stores virtual channels displayable on the ITV and the microprocessor accesses the memory system to display a virtual channel in response to user input (See Fig. 3A and Col. 5 lines 63-67, Col. 6 lines 1-28, Col. 12 lines 17-38).

7. Regarding claim **8**, Nobakht further comprising a computer communication device connected to the microprocessor and to a computer network, the virtual channels in the memory system being updated in accordance with data received from the communication device (See Fig. 8 and Col. 14 lines 11-67, Col. 15 lines 1-67, Col. 16 lines 1-6).

8. Regarding claim **9**, Nobakht teaches wherein the computer communication device is a modem (See Col. 5 lines 32-44).

9. Regarding claim **10**, Nobakht teaches wherein the virtual channels are Web-based channels (See Col. 5 lines 63-67, Col. 6 lines 1-28).

10. Regarding claim **11**, Nobakht teaches wherein the virtual channels are Web pages (See Col. 5 lines 63-67, Col. 6 lines 1-28).

11. Regarding claim **12**, Nobakht teaches wherein the microprocessor is in the housing or in a set-top box separate from the housing (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62 Microprocessor 210 is in a set-top box). The USPTO

Art Unit: 2617

considers the applicants "or" language to be anticipated by any reference containing any of the subsequent corresponding elements.

12. Regarding claim **15**, Nobakht teaches an interactive television (ITV), comprising: a housing (See Fig. 1 Solid lines around Television 132 and Col. 4 lines 23-47); a television tuner in the housing (Televisions inherently have tuners in the housing); a microprocessor (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62); a user input device communicating with the microprocessor (See Fig. 2 Remote Control 202 and Col. 4 lines 48-67, Col. 5 lines 5-62); a memory system communicating with the microprocessor, the memory system storing virtual channels (See Fig. 2, Flash 219 and Col. 4 lines 48-67, Col. 5 lines 5-67, Col. 6 lines 1-28); and a computer communication device connected to the microprocessor and to a computer network (See Fig. 2 Communications Port 217 Col. 4 lines 48-67, Col. 5 lines 5-62), the virtual channels in the memory system being updated in accordance with data received from the computer communication device such that the virtual channels can be displayed on the ITV (See Fig. 8 and Col. 14 lines 11-67, Col. 15 lines 1-67, Col. 16 lines 1-6).

13. Regarding claim **16**, Nobakht teaches wherein the microprocessor accesses the memory system to display a virtual channel in response to user input (See Col. 16 lines 7-26).

14. Regarding claim **17**, Nobakht teaches wherein the memory system stores user data, the user data being at least partially based on signals received from the user input device (See Col. 5 lines 63-67, Col. 6 lines 1-28).

15. Regarding claim **18**, Nobakht teaches wherein the computer communication device is a modem (See Col. 5 lines 32-44).
16. Regarding claim **19**, Nobakht teaches wherein the virtual channels are Web-based channels (See Col. 5 lines 63-67, Col. 6 lines 1-28).
17. Regarding claim **20**, Nobakht teaches wherein the virtual channels are Web pages (See Col. 5 lines 63-67, Col. 6 lines 1-28).
18. Regarding claim **22**, Nobakht further comprising an electronic channel guide displayed on the ITV, the virtual channels being listed by channel number and by name on the electronic channel guide (See Col. 16 lines 7-26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim **2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht in view of Greer et al (US 5,978,828).
20. Regarding claim **2**, Nobakht fails to disclose wherein in the event of an update, only updated portions of the Web page corresponding to the virtual channel are downloaded. However, systems that store web pages in memory that have the capability of automatically detecting and updated a stored web page are well known in the art as taught by Greer (See Col. 3 lines 14-23, Col. 7 lines 20-67). Thus, in view of Greer it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2617

invention was made to modify Nobakht web pages where cached and that in the event of an update, only updated portions of the Web page corresponding to the virtual channel are downloaded in order to provide the user with the most updated information of a web page in cache (See Greer Col. 1 lines 10-47).

21. Claims **5**, **13-14**, and **21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht in view of Norsworthy et al (US 6,144,402).

22. Regarding claims **5**, **13**, **21**, Nobakht teaches a data bus connected to the microprocessor and memory (See Fig. 2 and Col. 5 lines 5-62). Nobakht fails to disclose a data bus communicating with the microprocessor, memory system, and TV tuner. However, data buses communicating with the microprocessor, memory system, and TV tuner are well known in the art as taught by Norsworthy (See Fig. 2 Bus 205 and Col. 7 lines 18-50). Thus, in view of Norsworthy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht so that there was a data bus communicating with the microprocessor, memory system, and TV tuner to have basic components interconnected (See Norsworthy Col. 7 lines 34-40).

23. Regarding claim **14**, Nobakht modified with Norsworthy teaches the ITV further comprising an electronic channel guide displayed on the ITV, the virtual channels being listed by channel number and by name on the electronic channel guide (See Nobakht Col. 16 lines 7-26).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 8/19/2005



NGOC YENN VU
PRIMARY EXAMINER